

**Status Report: Programmatic Agreement on WSDOT Over Water
Bridge and Ferry Terminal Maintenance and Preservation Activities**

Transportation Permit and Efficiency Accountability Committee

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Reviewed by TPEAC Programmatic Implementing Group

Why are we here today?

In November 2002, the Programmatic Implementing Group began work on a multi-agency agreement to provide programmatic coverage for bridge washing and painting. After discussion, the proposed scope of the agreement expanded to include the second of the nine high priority activities (bridge deck repair) plus additional maintenance and preservation activities identified below.

- Bridge deck and drain cleaning
- Bridge cleaning and washing
- Bridge painting; cleaning, washing, abrasive blasting and painting
- Bridge maintenance work
- Bridge and Ferry deck repair and overlay
- Ferry terminal cleaning, washing, and marine growth removal
- Ferry terminal washing, blasting, and painting
- Ferry terminal general maintenance and repair

The chief work product of the subcommittee will be “*Unified Conditions*,” a document of about 20 pages (see attached) to be agreed upon with WSDOT by the Department of Ecology and the Department of Fish and Wildlife that will specify how work of this kind will be performed.

The *unified conditions* are complete except for one point, the completion of a study determining the best means of treating discharge water from bridge and ferry terminal washing and painting projects. Ecology has required WSDOT to undergo a feasibility study that objectively evaluates options for treating discharge water from bridge and ferry terminal washing and painting projects.

How will the new agreement achieve permitting efficiency and accountability?

TPEAC's goals with the programmatic approach include developing consistency in the application of environmental standards, maximizing environmental benefits and eliminating duplicative processes in the delivery of transportation projects.

What were the prior permitting and regulatory procedures for this type of work?

- Department of Fish and Wildlife manages the protection of fish life, and as a result maintains jurisdiction over bridge and ferry terminal maintenance work statewide in cases where the work has the potential to impact fish life. The issuance of Hydraulic Project Approval Permits is inconsistent throughout the state for some of less impacting activities.
- Ecology exercises jurisdiction over state surface water quality standards and section 401 of the Clean Water Act. The current Water Quality Implementing Agreement (WQIA) provides programmatic coverage in the sense that it sets forth conditions to ensure these activities meet water quality standards.

What will be the new procedures under this Programmatic Agreement?

The unified conditions will be referenced in the issuance of programmatic permit approval with each jurisdictional agency for these activities including Department of Fish and Wildlife and Ecology.

- Department of Fish and Wildlife will reference the unified conditions as an appendix to the current Memorandum of Agreement with WSDOT. This eliminates the added process of issuing individual HPA permits or a general HPA permit for these activities.
- Ecology will reference the unified conditions in the renewal of the Water Quality Implementing Agreement and for the "washing" activities where there is an associated discharge Ecology will likely issue a 90.48 order to allow the temporary exceedence of water quality standards.
- The monitoring and reporting elements of this process will add new procedures when WSDOT conducts these activities. These new procedures will create a minor amount of information processing at the field level. The annual reporting information will be managed in a headquarters database and provided to permit agencies. The result will be a more accurate ability to measure performance of the process in terms of activities covered and compliance.

What will the benefits of this new approach be?

- The unified conditions are agreed upon by Department of Fish and Wildlife and Ecology creating consistency in standards between agencies.
- Greater ease of getting on with the work. We will have statewide consistency on how to meet the permit agency requirements. There will be greater certainty regarding questions of jurisdiction and what the standards are.

- Environmental benefits will be gained through consistent application of conditions set forth to protect the environment.
- Programmatic permit approval will eliminate duplicative processes where in previous cases individual application was needed with individual agencies.

Does the new agreement offer stringent and appropriate environmental protections that suggest a better outcome for the environment under the programmatic approach?

Yes. A few areas in the new agreement that will provide better outcome for the environment include:

- Monitoring and annual reporting elements that are designed to better ensure compliance and also measure the utility and performance of the programmatic permit.
- WSDOT has training programs in place to ensure the consistent application of these standards when conducting these activities in the field that will ensure long-term benefits to the environment.
- The study, when completed will result in the selection of a method of containment of wash water discharge that will provide the best environmental protection.

What remains to be done to complete the agreement?

One important issue remains to be resolved in order to complete the agreement: *“How should water used in bridge and ferry terminal washing projects be disposed of or managed?”* The study, required by Ecology will address this question and is currently being reviewed by Ecology and its conclusions should result in the preferred alternative method for treating discharge water from washing and painting activities.

The suggestion from the study is to allow the continued use of the filter screen fabric for treating the discharge water. Other alternatives include full containment with recycling of the wash water, full containment with disposal into public sanitary systems, and full containment with polymer treatment and upland disposal.

Currently, Ecology is reviewing the first stage of the study and will be providing comments on the study by May 20th. If all goes well, and Ecology agrees with the analysis and conclusion we hope to complete the process in June 2003. Programmatic Approval is anticipated to be completed with both Department of Fish and Wildlife and Ecology by July, 2003.

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